

Applicants: Short and Keller
Application No.: 09/636,778
Filed: August 11, 2000
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REMARKS

Claims 54-71 and 123-155 were pending prior to this Supplemental Response. By the present communication, claim 56 is cancelled without prejudice and claim 54 is amended as shown in attached Exhibit A to define Applicants' invention with greater particularity. The amendment adds no new matter, being fully supported by the Specification and original claims. Accordingly, claims 54, 55, 57-71 and 123-155 are currently pending and under consideration.

The amendments and remarks contained herein are in addition to those contained in the Response to Office Action filed herein on October 16, 2001 and are in reply to the Office Action mailed April 10, 2001 and to a Communication from the Examiner mailed January 2, 2002 indicating that Applicants' Response was not fully responsive to the Office Action due to omission of a reply to the following two items:

1. The rejection of claims 54, 55, 58-63, 67 and 69 under 35 U.S.C. § 103(a) in view of Weaver ('968), Weaver ('060), Trias et al. and Rather et al.
2. Objection to Figures 12-17 for being partially obscured due to hole punches.

The Objection to Figures 12-17

Applicant notes the Examiner's concern regarding Figures 12-17 for being partially obscured due to existence of hole punches. Applicants will submit formal drawings upon allowance of the claims

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The Rejection under 35 U.S.C. § 103(a)

Applicants respectfully traverse the rejection of claims 54, 55, 58-63, 67 and 69 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Weaver (U.S. Patent No. 4,643,968; hereinafter "'968'"), in view of Weaver (U.S. Patent No. 4,916,060; hereinafter "'060'"), Trias et al. (U.S. Patent No. 5,989,832; hereinafter "Trias"), and Rather et al (U.S. Patent No. 5,8965,367; hereinafter "Rather). Applicants submit that the invention methods for identifying a molecule derived from a gene expression library that modulates the activity of a target cell component, as defined by amended claim 54, distinguish over the combined disclosures of '968, '060, Trias and Rather by requiring "co-encapsulating the molecule and a cell expressing a target cell component of interest and a detectable marker, in a microenvironment under conditions that allow the molecule and the target cell component to interact, and detecting an effect of the molecule on the activity of the cell component, thereby identifying a molecule that modulates the activity of the target cell component." Claim 54 has been amended to introduce the limitation of former claim 56, which is now cancelled. Since former claim 56 was not rejected as allegedly being unpatentable over the above combination of references, Applicants respectfully submit that the rejection is overcome by amended claim 54. Therefore, reconsideration and withdrawal of the rejection under 35 U.S.C. §103 over the combined disclosures of '968 in view of '060, Trias and are respectfully requested.

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In view of the above amendments and remarks, reconsideration and favorable action on claims 54, 55, 57-71 and 123-155 are respectfully requested. If the Examiner would like to discuss any of the issues raised in the Office Action, the Examiner is encouraged to call the undersigned so that a prompt disposition of this application can be achieved.

Respectfully submitted,

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Attachment: Exhibit A